

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

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PICTURE PATENTS, LLC,	:	Civil Case No. 07cv5568
	:	(JGK)
Plaintiff,	:	
	:	
- against -	:	
	:	DEFENDANTS' NOTICE OF MOTION
AEROPOSTALE, INC., DICK'S SPORTING	:	TO DISMISS PLAINTIFF'S SECOND
GOODS, INC., CHARLOTTE RUSSE, INC., GSI	:	<u>AMENDED COMPLAINT</u>
COMMERCE SOLUTIONS, INC., FOGDOG,	:	
INC., NATIONAL BASKETBALL	:	
ASSOCIATION, INC., NBA PROPERTIES, INC.,	:	
NBA MEDIA VENTURES, LLC, MAJOR	:	
LEAGUE BASEBALL PROPERTIES, INC., MLB	:	
ADVANCED MEDIA, L.P., LINENS 'N THINGS,	:	
INC., TWEETER HOME ENTERTAINMENT	:	
GROUP, INC., TWEETER NEWCO, LLC,	:	
TWEETER OPCO, LLC, BUY.COM, INC.,	:	
	:	
Defendants.	:	
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TAKE NOTICE that upon the Affidavit of David Pearce, Chief Financial Officer of Tweeter Opco, LLC, sworn to March 26, 2008, and upon the Second Amended Complaint, pursuant to Federal Rule of Civil Procedure 12(b)(2), Defendants Tweeter Opco, LLC and Tweeter Newco, LLC (collectively, "New Tweeter"), by their attorneys, Bryan Cave LLP, shall move to dismiss the Second Amended Complaint filed by plaintiff Picture Patents, LLC on the ground that the Court lacks personal jurisdiction over New Tweeter, before the Hon. John G. Koetl, United States District Court, Southern District of New York, 500 Pearl Street, Courtroom 12B, New York, New York, on a date to be determined by the Court.

TAKE FURTHER NOTICE that pursuant to Local Civil Rule 6.1, all  
opposing affidavits and answering memoranda shall be served within ten (10) business  
days after service of the moving papers.

Dated: New York, New York  
March 26, 2008

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By: s/Suzanne Berger

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